

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SAUL FALACK and CLAUDETTE
FALACK,

Plaintiffs,

v.

DISCOVER FINANCIAL SERVICES, et al.

Defendants.

CIVIL ACTION NO. 3:16-cv-821-PGS-TJB

**Motion Return Date: June 20, 2016
Oral Argument Requested**

NOTICE OF MOTION TO DISMISS IN PART PLAINTIFFS' COMPLAINT

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PLEASE TAKE NOTICE that on June 20, 2016 at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned attorneys for defendants shall move before the United States District Court for the District of New Jersey, the Honorable Peter G. Sheridan, U.S.D.J. presiding, at Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an Order dismissing with prejudice plaintiffs' claim under the Fair Debt Collection Practices Act (Count III of the Complaint) and Claudette Falack's claims under the Telephone Consumer Protection Act (Counts I and II of the Complaint), pursuant to Federal Rule of Civil Procedure 12(b)(6).

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the accompanying memorandum of law in support of this motion.

PLEASE TAKE FURTHER NOTICE that oral argument is requested if this motion is opposed.

A proposed form of Order is annexed hereto.

Respectfully submitted,

DATED: May 20, 2016

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